## REMARKS

By this amendment, claims 10 and 11 have been cancelled, and claims 1-3 and 9 have been amended. Thus, claims 1-9 and 12-16 are now active in the application. Reexamination and reconsideration of the application are respectfully requested.

It is noted that a minor correction has been made to paragraph [0022] of the substitute specification, in order to correct "is" to –in--.

In items 1-5 on pages 2-5 of the Office Action, claims 1-3, 5, 8-11 and 16 were rejected under 35 U.S.C. § 102(b) as being anticipated by Saito (US 4,926,011); claims 4 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Saito in view of Duve et al. (US 5,510,585); claims 6 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Saito in view of Koseki et al. (US 6,670,567); and claims 7 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Saito in view of Wermelinger (US 4,405,842). These rejections are respectfully traversed, and it is respectfully submitted that these rejections are clearly inapplicable to claims as presently presented, for the following reasons.

With exemplary reference to Figs. 1 and 2, claim 1 sets forth a switch device comprising: an operating member 12 having a cam member 12B provided with a protruding portion 13; a plurality of switches 20, 21 that engage the cam member 12B and output electric ON/OFF states based on the operation of the operating member 12; and a detecting section 27 connected to the plurality of switches 20, 21 for detecting a position of operation of the operating member 12 based on the electric ON/OFF states of the plurality of switches 20, 21.

Also with exemplary reference to Figs. 1 and 2, claim 9 sets forth a switch device comprising: an operating member 12 having a user-operable member 12A and a cam section 12B fixed for rotation with the user-operable member 12A about a rotary axis, the cam section 12B being provided with a protruding portion 13; a plurality of switches 20, 21 that engage the cam section 12B and output electric ON/OFF states based on the operation of the operating member 12; and a detecting section 27 connected to the plurality of switches 20, 21 for detecting a rotary position of operation of the operating member 12 about the rotary axis based on the electric ON/OFF states of the plurality of switches 20, 21.

Thus, according to the present invention as recited in each of the independent claims 1 and 9, the switches 20, 21 output electric ON/OFF states depending on the operation of the operating member, and the detecting section 27, which is connected to the switches 20, 21, is

operable to detect a position of operation of the operating member based on the electric ON/OFF states of the switches 20, 21.

As pointed out by the Examiner in item 1 on page 2 of the Office Action, the Saito patent (US 4,926,011) discloses a switch device that includes an operating member 16 having a cam member 48 provided with a protruding portion 48c, and a plurality of switches 30 that are engaged by the cam member. However, in contrast to the present invention as recited in each of claims 1 and 9, there is no disclosure of a detecting section in the Saito patent. In the statement of the rejection in item 1 on page 2 of the Office Action, the Examiner asserted that Saito discloses a detecting section and, in this regard, referred to "switch connected to a game machine, please see col. 1, line 12." This portion of the Saito patent merely states that the "multiobjective switch...is particularly suitable for use with a television game machine." Another slightly more specific reference to the television game machine is found in the Saito patent at column 3, lines 15-18, wherein it is stated that "[e]ach switch has a pair of terminals electrically connected to the body of a television game machine through a lead wire."

However, this disclosure of the Saito patent that the switches 30 (as well as 28) are electrically connected to a television game machine is not a disclosure of a detection section to detect a position of operation of the operating member based on the ON/OFF states of the switches, as required by present claims 1 and 9. There is simply no disclosure or suggestion in the Saito patent that the television game machine mentioned therein serves as a detecting section to detect a position of operation of the operating member 16 based on the ON/OFF states of the switches 30.

Specifically, there is no discussion whatsoever in the Saito patent of what information is obtained using the electrical signals from the switches 30 upon rotation of the operating member 16, nor of what is determined based on the such information. It is quite possible that the pressing-in of a particular one of the push buttons 38 of the switches 30 simply causes a particular function to occur in a game being played on the television game machine and, similarly, that the pressing-in of two of the push buttons 38 simultaneously simply causes a different particular function to occur in the game being played on the television game machine, with no detection whatsoever of the rotary position of the operating member 16.

Although the above-discussed exemplary use of the electrical signals generated upon pushing in the of the push buttons 38 of the switches 30 of Saito is speculative, it is further the

case that any particular explanation of how the electrical signals are used in the Saito arrangement must be speculative since there is no disclosure or suggestion of how the electrical signals are used in the Saito arrangement.

Since there is no disclosure or suggestion in the Saito patent to support a conclusion that the electrical signals are provided to a detecting section that serves to detect a position of operation of the operating member based on the electrical ON/OFF states of the switches, it is believed clear that the Saito patent does not anticipate either of claims 1 and 9. Furthermore, since the Saito patent provides no such disclosure or suggestion, it is believed further apparent that a person having ordinary skill in the art would not have been motivated to modify the Saito arrangement or to make any combination of the references of record in such a manner as to result in or otherwise render obvious the present invention as recited in claims 1 and 9. Any speculation on the part of the Examiner as to the possible use of the electrical signals in Saito without there being a disclosure or suggestion to support the conclusion would necessarily be based upon the impermissible application of hindsight reconstruction by using Applicants' disclosure as a blueprint for making the hindsight determination that the present claims would have been obvious.

The Examiner cited the Duve et al. patent for teaching "a switch device having a cam member 92 (and 94) having a plurality of protruding portions... for the purpose of operating individual program switches for controlling various functions of an appliance...". The Examiner cited the Koseki et al. patent for teaching "a switch device having a cam member 12 (Fig. 5) having protrusions on a lower surface, for controlling a switch, for the purpose of reducing the diameter of the cam." The Examiner further cited the Wermelinger patent for teaching "a switch device having a knob 35 with a cam section 37 on an inner surface." However, these alleged disclosures of the Duve et al., Koseki and Wermelinger references provide no teaching or suggestion that would have obviated the above-discussed shortcomings of the Saito patent.

Accordingly, for the above reasons, it is believed apparent that present claims 1 and 9 are not anticipated by the Saito patent or any of the other references of record. Also for the above reasons, it is believed apparent that a person having ordinary skill in the art would not have been motivated to modify the Saito patent or to make any combination of the references of record in such a manner as to result in or otherwise render obvious the present invention of claims 1 and 9.

Therefore, it is respectfully submitted that claims 1 and 9, as well as claims 2-8 and 12-16 which depend therefrom, are clearly allowable over the prior art of record.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is earnestly solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is invited and respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

Eiji KODO et al.

By: 

Charles R. Watts
Registration No. 33,142
Attorney for Applicants

CRW/nrj
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
July 7, 2005